Cahoy Dec. Ex. 93

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: DA VINCI SURGICAL ROBOT ANTITRUST LITIGATION	
	Lead Case No. 3:21-cv-03825-VC
THIS DOCUMENT RELATES TO:	
ALL CASES	

EXPERT REPORT OF MAXWELL V. MENG, MD

January 18, 2023

Highly Confidential – Subject to Protective Order

I. EXPERTISE AND QUALIFICATIONS

- 1. I am a board-certified, fellowship-trained surgeon currently practicing medicine in San Francisco, California. I specialize in urology and urologic oncology and have been in practice for 20 years.
- 2. I received an undergraduate degree from Harvard College in biochemical sciences magna cum laude. I then attended the Johns Hopkins School of Medicine where I was elected to the Alpha Omega Alpha Honor Medical Society.
- 3. I completed training in general surgery and a residency in urology at the University of California, San Francisco ("UCSF"). I completed my fellowships in urologic oncology and minimally invasive surgery at UCSF. I am now Professor in Residence in the Department of Urology at UCSF and was named Chief of Urologic Oncology in 2013. I was director of the fellowship in Urologic Oncology for 15 years and am currently Vice-Chair of the Department of Urology; I have also served as the lead for Quality and Safety within the department. I am a member of the UCSF Clinical Performance Improvement Committee and Healthcare Technology Assessment Program.
- 4. I also teach at UCSF, including courses on minimally invasive techniques in the management of urologic cancers.
- 5. I am an active member of the American Urological Association (AUA), an active member of the Western Section of the AUA, an active member of the Society of Urologic Oncology, and a fellow of the American College of Surgeons. I was a member of the Fellowship Committee of the Society of Urologic Oncology and was also a consultant to the AUA Laparoscopy & Robotic Surgery Committee. I am the UCSF Cancer Liaison Physician for the American College of Surgeons Commission on Cancer and was a 2022 Outstanding Performance Award winner.

- 6. I have written nearly 200 peer-reviewed publications and over 18 chapters covering many aspects of oncology, minimally invasive surgery, and surgical technique.
- 7. I have been trained in and currently perform the entire spectrum of operations in urologic oncology, including those that involve endoscopic, open, laparoscopic, and robotic-assisted laparoscopic techniques. I have utilized available robotic-assisted laparoscopic systems since their introduction to UCSF in 2002, including the da Vinci S, Si, Xi, and SP platforms. In each of my 20 years in practice, I have performed nearly 400 cases annually, and currently approximately half of my practice involves laparoscopic or robotic surgery.
- 8. In the past four years, I have testified at deposition as an expert in the cases of *Chapman v. United States of America*, No. 19-cv-03998 (S.D. Ind.), *Meyer v. Doctors Medical Center of Modesto Inc.*, No. CV-20-001594 (Stanislaus Cty. Sup. Ct.), and *Toomey v. Wen*, No. RG20061120 (Alameda Cty. Sup. Ct.).
- 9. A complete summary of my qualifications, as well as a list of all publications I have authored in the past 10 years, is included in my Curriculum Vitae, attached as Appendix A.

II. ASSIGNMENT AND COMPENSATION

- 10. I am submitting this report at the request of counsel for Intuitive Surgical, Inc. ("Intuitive"), setting forth my opinions in the lawsuit of *In re Da Vinci Surgical Robot Antitrust Litigation*.
- 11. I have been asked to opine on the use of EndoWrist instruments that have been altered so that they could be used beyond the usage limits that were established by Intuitive and cleared by the FDA, and the potential risks and safety issues that could arise from the use of such an instrument.
- 12. In forming my opinions, I have reviewed pleadings in this case and parts of the factual record. I have also reviewed the expert reports submitted by Dr. Eugene Rubach in this

case, by Dr. Amandeep Mahal in *Surgical Instrument Service Company, Inc. v. Intuitive Surgical, Inc.*, and by Dr. John Bomalaski in several cases filed against Intuitive in Florida.¹

- 13. A list of materials I considered in forming my opinions in this report is attached as Appendix B. My opinions are based on my review of these materials, as well as my extensive training and experience.
- 14. I am being compensated for my time spent in preparing this report at an hourly rate of \$750. If deposed, my rate is \$750 per hour. If asked to testify at trial, my rate is \$6,000 per day. My compensation does not depend on the content of my opinions or the outcome of this matter.

III. SUMMARY OF OPINIONS

- 15. Laparoscopic surgery and robotic-assisted laparoscopic surgery are both types of minimally invasive surgery. For most procedures, the surgeon and patient have a choice of modalities, including open, laparoscopic, or robotic approaches. There is no one "right" modality for every procedure. Rather, the surgeon and patient consider the potential advantages and disadvantages of each approach as relevant to the patient's specific circumstances and surgeon experience. In my experience, I frequently use a traditional laparoscopic approach instead of robotic-assisted laparoscopic surgery for some procedures.
- 16. EndoWrists are the surgical instruments that are attached to a da Vinci surgical robot. I understand Intuitive established, and the FDA cleared, limits on how many times EndoWrists may be used. I understand Intuitive designed these limits to support the reliability of EndoWrists such that an EndoWrist can be expected to perform in the same manner on each use.

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¹ Rebotix Repair LLC v. Intuitive Surgical, Inc., No. 20-cv-2274 (M.D. Fla); Restore Robotics LLC, et al. v. Intuitive Surgical, Inc., No. 19-cv-55 (N.D. Fla).

- 17. I rely on the judgment and expertise of Intuitive and the FDA to set appropriate limits for the use of EndoWrists. I do not have the technical engineering background or expertise to question those limits. For that reason, I would not use EndoWrist instruments that had been altered so that they could be used beyond the number of uses established by Intuitive and cleared by the FDA.
- 18. In my view, the fact that I have rarely experienced EndoWrist failure indicates that the current and FDA-cleared usage limits support the reliability of EndoWrists.
- 19. Dr. Rubach states that he would be comfortable using an EndoWrist beyond the FDA-cleared number of uses. I do not agree with how Dr. Rubach arrived at this view.
- 20. For example, Dr. Rubach states that he has never experienced an EndoWrist failure that seriously jeopardized a patient's safety and that the failure of an EndoWrist during a surgical procedure can be readily addressed. I am surprised by his cavalier attitude in this regard. In my view, the consequences of an EndoWrist failure could be unpredictable and potentially catastrophic to the patient—even in an otherwise routine procedure. As such, I believe it is important to minimize the risk of EndoWrist failure as much as feasible, including by adherence to the use limits established by Intuitive and cleared by the FDA.
- 21. In addition, Dr. Rubach states that he would be comfortable using EndoWrists that a third party has modified to add additional uses because he routinely uses reprocessed laparoscopic instruments. An EndoWrist is different than a traditional laparoscopic instrument, however, and I do not believe it is appropriate to compare the two types of instruments in this context. In addition, I do not believe it is appropriate to compare these EndoWrist alterations with traditional instrument reprocessing. Among other things, I understand neither the resetting process nor the reset instrument bearing additional uses is cleared by the FDA (with one limited exception discussed below). The traditional reprocessing of laparoscopic instruments does not

typically raise such concerns. Indeed, I understand that many traditional instruments are cleared by the FDA without any prescribed limit on the number of uses, unlike the usage limits for EndoWrists that were established by Intuitive and cleared by the FDA.

IV. MINIMALLY INVASIVE MODALITIES

- 22. Traditional open surgery refers to the type of procedure where access to the area of interest and performance of the operation is done via an incision in the skin, and the area of interest is visualized directly. The incisions required for open surgery can be sizeable for some operations, but can also be relatively small (e.g. one inch) for other operations. Open surgery is typically performed by the surgeon with their hands directly on and manipulating the instruments.
- 23. Minimally invasive surgery is a type of intervention where the incision(s) or entry to the body are minimized to perform the procedure or operation. In order to perform these types of operations, visualization is accomplished by small video camera-equipped scopes as well as small, specialized instruments. Minimally invasive surgery most often refers to endoscopic procedures (e.g. colonoscopy, cystoscopy) or laparoscopic procedures (endoscopy within the abdomen), described below. In general, minimally invasive operations mimic the same traditional open procedure with respect to what is actually done, albeit with the difference in the means of access.
- 24. Laparoscopic surgery is one type of minimally invasive surgery. Traditional laparoscopy involves the use of a laparoscope and long surgical instruments introduced into the body (i.e. abdomen) through trocars (narrow tubes) inserted via incisions made on the patient's body surface. A laparoscope is a long, tube-shaped instrument containing a video camera and light source, which allows the surgeon to see inside the patient's body. During laparoscopic

surgery, the surgeon observes the video feed, typically on a monitor, and directly manipulates the instruments to accomplish the surgery.

- 25. Standard laparoscopic instruments are long, straight, and rigid instruments which are used to perform a particular function. Common laparoscopic instruments include graspers, scissors, energy-delivery devices, and needle drivers.
- 26. Robotic surgery is also a type of minimally invasive surgery, and I typically refer to this as robotic-assisted laparoscopic surgery. When conducting robotic surgery using a da Vinci surgical robot, the robot's arms hold and manipulate EndoWrist instruments. The instruments are similarly inserted into the body through trocars, including one containing the camera and light source (analogous to the laparoscope). The surgeon conducting robotic-assisted laparoscopic surgery sits at the surgeon console, where the surgeon views the camera feed through a three-dimensional, high-definition vision system and manipulates the EndoWrists remotely using the master hand controls.
- 27. EndoWrist instruments are "wristed" instruments, meaning the distal ends of the instruments can move independently of the shaft and provide more degrees of freedom than traditional laparoscopic instruments. EndoWrists are typically designed to allow the surgeon to perform actions or functions similarly as with laparoscopic instruments, such as grasping or cutting, but with a greater degree of dexterity and precision given their wristed structure.

V. CHOICE OF MODALITY

28. For most procedures, the surgeon and patient have a choice of modalities, including open, laparoscopic, or robotic approaches. Examples of this in urologic oncology include removal of the prostate for cancer (radical prostatectomy) and removal of a portion of the kidney for cancer (partial nephrectomy); these are two of the most common operations I perform.

The choice of modality is typically discussed with the patient as part of obtaining the patient's informed consent to the surgical procedure.

- 29. Minimally invasive surgery may offer several advantages compared with open surgery. Some of these advantages include smaller incision size, less pain, shorter duration of hospitalization, and fewer complications after surgery (e.g., infection).
- 30. Among minimally invasive modalities, robotic surgery often offers certain advantages over laparoscopic surgery. These include the ability to perform more complex operations, enhanced visualization during surgery, and shorter operative time.
- 31. However, there are some procedures or situations where a surgeon or patient may prefer laparoscopic or open surgery over a robotic surgery. For example, I typically perform removal of the entire kidney for cancer (radical nephrectomy) via the laparoscopic approach because I do not see added benefit of using the robot.

VI. USE OF ALTERED ENDOWRISTS

- 32. All instruments, including laparoscopic instruments and EndoWrists, wear down over time—and that can present risks to patients. If the instruments do not function properly or as intended by the surgeon, then this can lead to unintentional actions which can cause injury to tissue or may cause bleeding, or prevent the surgeon from efficiently performing an action.
- 33. I am familiar with the use limits on EndoWrists. Many EndoWrists are limited to 10 uses, but some instruments have been cleared for more uses and some for fewer. I understand those limits were established by Intuitive, informed by Intuitive's testing, and cleared by the FDA. I also understand those usage limits are in place to support the reliability of EndoWrists and reduce the risk of EndoWrist failures. As such, the use limits have been designed with patient safety in mind.

- 34. My top priority in all procedures and circumstances, and in my experience the top priority of all professional surgeons, is the safety of patients. Part of my commitment to patient safety means using medical instruments consistent with their manufacturers' instructions and FDA clearance.
- 35. I do not have the technical engineering background or expertise to "second guess" the EndoWrist usage limits established by Intuitive and cleared by the FDA. I rely on the judgment and expertise of Intuitive and the FDA to set appropriate limits for those devices.
- 36. For that reason, I would not use EndoWrist instruments that had been altered so that they could be used beyond their number of FDA-cleared uses.
- 37. I have experienced very few failures of an EndoWrist, and this clinical experience suggests that using them in accordance with manufacturer guidelines and FDA clearance is appropriate and maximizes patient safety. In other words, the fact that EndoWrists fail very rarely indicates to me that Intuitive has established and the FDA has cleared usage limits that support the reliability of EndoWrists.
- 38. Even if I were interested in using an EndoWrist that had been altered so that it could be used beyond its number of FDA-cleared uses—and I am not—I am confident that my medical center would not allow me to do so currently because these devices do not have FDA clearance for use with the robot.
- 39. I understand that there are third party companies that offer a service to "reset" EndoWrists by resetting the use counter in such instruments so that they could be used beyond the FDA-cleared number of uses. I further understand that the process those companies use to reset EndoWrists to add additional uses requires FDA clearance, but that the FDA has not provided that clearance. I understand that the FDA only recently granted clearance for a company to perform one reset (i.e., adding 10 uses) to one EndoWrist instrument (Si Monopolar

Curved Scissors). For all other instruments, and all other companies, the fact that this "reset" process has not been cleared by the FDA is the reason I would not use an EndoWrist that had been reset by one of these companies so that it could be used beyond the FDA-cleared number of uses. I have never personally engaged in discussions with any of these companies to discuss the use of reset EndoWrists at our institution, and I am not aware of the leadership of our medical center ever considering or pursuing this option.

40. Dr. Rubach states that he would be comfortable using EndoWrists that had been reset so that they could be used beyond the approved number of uses. I do not agree with how he arrives at this view and I would not utilize these instruments.

A. Risks to Patient Safety

- 41. Dr. Rubach states that the failure of an EndoWrist during a surgical procedure can be readily addressed. He further states that he has experienced "several" EndoWrist failures, but that "[n]one of the EndoWrist failures I encountered during surgery resulted in harm to the patient. The 'failed' instrument simply was swapped out for a working one and the surgery carried on as planned."²
- 42. I am glad that the specific EndoWrist failures that Dr. Rubach encountered did not cause a serious adverse event, and he was fortunate. However, I disagree with any suggestion that the failure of an EndoWrist would never jeopardize a patient's safety. Regardless of the complexity of the operation, and even in routine cases, I do not think the surgeon should tolerate preventable equipment failure of any type. The consequences of such a failure can be unpredictable and severe; in fact, some of the most catastrophic complications I have seen arose from seemingly minor issues. If we could predict the severity of complications, then we would

² Rubach Report at ¶¶ 26-27.

be able to avoid them. For example, if an EndoWrist malfunctioned or failed, it could cause injury to bowel or a blood vessel which could lead to catastrophic problems in the former if not identified and significant bleeding in the latter, which may or may not be successfully controlled. As another example, an energy-delivery device (e.g. EndoWrist Cautery) could develop a break in the insulation which could lead to unintended, and unrecognized, transmission of energy to tissue resulting in thermal injury (i.e., burn).

- 43. For these reasons, I believe it is important to minimize the risk of EndoWrist failure as much as feasible. I believe that adherence to the use limits established by Intuitive and cleared by the FDA helps mitigates the risk of failure and resultant risk of injury to patients. As such, and as I said above, I would not use an EndoWrist that had been modified so that it could be used beyond that limit.
- 44. To the extent that Dr. Rubach is suggesting that we should tolerate *more*EndoWrist failures because such failures do not jeopardize patient safety, I could not disagree

 more. As a responsible surgeon, I seek to *minimize* instances of instrument failure, including that of EndoWrists.

B. Comparison to Reprocessing of Laparoscopic Instruments

- 45. In addition, Dr. Rubach states that he is comfortable using reset EndoWrists beyond their approved use limits because he routinely uses regular laparoscopic instruments that have been repaired or reprocessed by third parties.
- 46. Dr. Rubach states, for example, that he routinely uses repaired or reprocessed laparoscopic instruments, and that "there is no reason to treat EndoWrist instruments differently than their laparoscopic counterparts" in this context.³

³ Rubach Report at ¶¶ 29, 34-35.

- 47. I do not believe it is appropriate to compare EndoWrists and regular laparoscopic instruments in this context; the former are fundamentally different and more complex than the latter. In addition, I do not believe it is appropriate to conflate the reset services offered by these third parties with the traditional reprocessing of regular laparoscopic instruments. In particular, I understand the process these third parties use to reset EndoWrists to add additional uses requires but does not have FDA clearance; this is not true and applicable for standard laparoscopic instruments. In addition, resetting these EndoWrists to add uses takes the instrument out of FDA compliance. Neither of those issues is true for traditional reprocessing/repair services. Like Dr. Rubach, I routinely use reprocessed laparoscopic instruments where the FDA has not imposed a limit on how many times such instruments may be used. I would not use a reset EndoWrist where neither the resetting process nor the resulting reset instrument was cleared by the FDA.
- 48. Dr. Rubach also states that EndoWrists, like regular laparoscopic instruments, should be "until they either cease to function effectively or show signs of likely imminent failure," at which point "they can be evaluated by a hospital, a surgeon and/or a surgical device repair company and, if appropriate, tuned up and returned to use." I would not be comfortable using a visual inspection to determine when an EndoWrist "shows signs of likely imminent failure," particularly since an EndoWrist (unlike many traditional laparoscopic instruments) has internal components that are not visible to the naked eye. I rely instead on the usage limits established by Intuitive and cleared by the FDA, which have helped ensure that EndoWrist failures are rare.
- 49. In a hypothetical scenario where I intended to use an EndoWrist instrument that had been altered to operate beyond its FDA-cleared number of uses—and, as set forth above, I

⁴ Rubach Report at ¶ 35.

cannot image such a scenario—I would feel obligated to disclose this information to my patient in advance in order to obtain the patient's informed consent. In addition, and as I said above, I cannot envision a scenario where my medical center would permit me to use such an instrument.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of January 2023, at San Francisco, California.

Maxwell V. Meng Digitally signed by Maxwell V. Meng DN: cn=Maxwell V. Meng, o, ou, email=max.meng@ucsf.edu, c=US Date: 2023.01.18 22:21:19 -08'00'

Maxwell V. Meng, MD

APPENDIX A

CURRICULUM VITAE

Name: Maxwell V Meng, MD

Position: Professor In Residence, Step 4

Urology

School of Medicine

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EDUCATION

1987 - 1991	Harvard College, Cambridge, MA	A.B.	Biochemistry
1991 - 1995	Johns Hopkins School of Medicine, Baltimore, MD	M.D.	AOA
1995 - 1996	University of California San Francisco	Intern	Surgery
1996 - 1997	University of California San Francisco	Resident	Surgery
1997 - 2000	University of California San Francisco	Resident	Urology
2000 - 2001	University of California San Francisco	Chief Resident	Urology
2001 - 2002	University of California San Francisco	Fellow	Laparoscopy
2001 - 2003	University of California San Francisco	Fellow	Oncology

LICENSES, CERTIFICATION

1997	State of California, Medical License #A062995 (active)
2001	DEA Controlled Substance Registration #BM7337478 (active)
2004	Diplomate of the American Board of Urology #14773 (active, re-certification until 2034)
2010	State of California, Fluoroscopy Supervisor and Operator #RHC 00169278 (active)

PRINCIPAL POSITIONS HELD

2001 - 2003 University of California San Francisco Clinical Instructor Urology

2003 - 2007	University of California San Francisco	Assistant Professor	Urology
2007 - 2013	University of California San Francisco	Associate Professor	Urology
7/2013 - present	University of California San Francisco	Professor	Urology
OTHER POSI	TIONS HELD CONCURRENTLY		
2001 - present	San Francisco Veterans Hospital	Attending Surgeon	Urology
2001 - present	San Francisco General Hospital	Attending Surgeon	Urology
HONORS ANI	D AWARDS		
1987	Westinghouse Science Talent Search, 7th Place		
1991	Magna cum laude	Harvard College	
1992	NIH Research Fellowship		
1994	AFUD Research Award		
1995	Alpha Omega Alpha, Johns Hopkins		
1998	Second Prize	Northern California Uro Seminar	ology Residents
1998	SMRU Traveling Award		
1998	Finalist	SMRU/ASRM Paper C	Competition
1998	First Prize	Posters, Western Sect	ion AUA
1999	Third Prize	Northern California Uro Seminar	ology Residents
2001	Pfizer Scholar in Urology		
2002	3rd Place, Western Section AUA	Joseph F. McCarthy E	ssay Contest
2002	Prostate Cancer Research Fellow		
2004	William R. Smart Distinguished Teaching Award (selected by residents)	l.	
2004	3rd Place, Western Section AUA	Joseph F. McCarthy E	ssay Contest
2004	Third Prize, Posters	Western Section AUA	
2004	AUA/NIDDK travel award		

2004	William R. Smart Distinguished Teaching Award (selected by residents)	
2005	Excellence in Direct Teaching	Haile Debas Academy of Medical Educators
2006	Ambrose/Reed Socioeconomic Prize Essay winner (AUA)	
2006	AUA Leadership Program (1 of 16 selected nationally biennially)	
2006	2nd Place, Western Section AUA (mentor)	Miley B. Wesson Essay Contest
2008	AUA-EAU Fellowship Exchange program (1 of 3 biennially)	
2008	Ambrose/Reed Socioeconomic Prize Essay winner (AUA)	
2010	Excellence in Direct Teaching Award (nominee)	
2011	1st place, Western Section AUA (mentor)	Joseph F. McCarthy Essay Contest
2011	Top reviewer (one of 13 worldwide)	British Journal of Urology International
2011	Excellence in Direct Teaching (nominee)	
2011	William R. Smart Distinguished Teaching Award (selected by residents)	
2014	Top reviewer	Journal of Urology
2015	Peter R. Carroll Resident Mentorship Award (selected by residents, inaugural)	
2022	Cancer Liaison Physician Outstanding Performance Award	American College of Surgeons

CLINICAL ACTIVITIES

CLINICAL ACTIVITIES SUMMARY

Over the past 20 years I have maintained a busy practice in urologic oncology, primarily consisting of management of patients with prostate, urothelial, renal, and testicular carcinomas. I have collaborated closely with colleagues in both medical oncology and radiation oncology in providing a multidisciplinary approach to these complex cases. In addition, much of my time has been committed to the teaching of residents in urology and fellows in urologic oncology.

CLINICAL SERVICES

2001 - present	Attending Surgeon, Division of Urology, SFVA Hospital	As needed
2001 - present	Attending Surgeon, Department of Urology, ZSFGH	1 day per month
2003 - present	Attending Surgeon, Department of Urology, UCSF	Full-time

PROFESSIONAL ACTIVITIES

MEMBERSHIPS

1991 - present	Harvard Alumni Association
1995 - present	Johns Hopkins Alumni Association
1998 - 2001	American Society of Reproductive Medicine
2001 - present	American Association of Clinical Urologists
2003 - present	Western Section AUA, Member
2003 - present	Society of Laparoendoscopic Surgeons
2004 - present	American Urological Association, Member
2005 - present	American College of Surgeons, Fellow
2006 - present	Society of Urologic Oncology
2012 - present	Society of University Urologists, Member
2017 - present	Western Urologic Forum, Member

SERVICE TO PROFESSIONAL ORGANIZATIONS

2006 - 2006	World Congress of Endourology	Abstract reviewer
2007 - 2009	Board of Directors of the Western Section AUA	Alternate (2 year term)
2007 - 2007	AUA Laparoscopy & Robotic Surgery Committee	Consultant
2007 - 2011	Northern California Urological Society	Secretary
2009 - 2011	Board of Directors of the Western Section AUA	Region representative
2008 - 2011	Cancer and Leukemia Group B GU Committee	Member
2010 - 2011	Cancer and Leukemia Group B Surgery Committee	Member
2011 - 2012	Northern California Urological Society	President
2011 - present	Alliance for Clinical Trials in Oncology GU Core Committee	Member, Renal surgical cadre leader

2011 - present Alliance for Clinical Trials In Oncology Surgery Committee Member

2011 - present	American College of Surgeons, Clinical Research Program Education Committee	Member
2012 - present	American College of Surgeons	Candidate interviewer
2012 - 2014	Northern California Urological Society	Board member
2012 - 2016	Society of Urologic Oncology	Fellowship committee
2012 - present	Bladder Cancer Advocacy Network	Think tank invitee
2013 - present	Bladder Cancer Advocacy Network	Scientific Advisory Board
2015 - present	Cancer.net (website for ASCO)	Genitourinary cancer advisory panelist
2016 - 2020	American Board of Urology	Examination committee member
2021 - present	American Board of Urology	OKAT examination committee member
2023 - present	American Board of Urology	Oral examination committee member

SERVICE TO PROFESSIONAL PUBLICATIONS

2001 - present	Journal of Urology - ad hoc reviewer
2001 - present	Urology - ad hoc reviewer
2001 - present	Journal of Endourology - ad hoc reviewer
2002 - present	Cancer Investigation - ad hoc reviewer
2003 - present	Asian Journal of Andrology - ad hoc reviewer
2003 - present	Clinica Chimica Acta - ad hoc reviewer
2004 - present	Annals of Surgical Oncology - ad hoc reviewer
2004 - present	Urologic Oncology: Seminars and Original Investigation - ad hoc reviewer
2004 - present	Surgical Laparoscopy Endoscopy & Percutaneous Techniques - ad hoc reviewer
2005 - present	BioMed Central Urology - ad hoc reviewer
2005 - present	American Journal of Transplanation - ad hoc reviewer
2006 - present	European Urology - ad hoc reviewer
2006 - present	British Journal of Urology International - ad hoc reviewer
2007 - present	Journal of Medical Case Reports - ad hoc reviewer

2007 - present	Indian Journal of Urology - ad hoc reviewer
2008 - present	Human Reproduction - ad hoc reviewer
2008 - present	Clinical Medicine - Oncology - ad hoc reviewer
2008 - present	UroToday International Journal - ad hoc reviewer
2010 - present	Cancer - ad hoc reviewer
2011 - present	Journal of Clinical Oncology - ad hoc reviewer
2011 - present	European Urology - ad hoc reviewer
2012 - present	PLoS One - ad hoc reviewer
2003 - present	Commentator, American Journal of Urology Review (Editorial)
2004 - present	Commentator, Abstracts in Hematology and Oncology (Editorial)
2006 - present	Associate Editor, Advances in Urology (Editorial)
2009 - present	Editorial Board, Case Reports in Medicine (Editorial)
2009 - present	Commentator, MedPage Today (Editorial)
2011 - present	Associate Editor, Urologic Oncology (Editorial)
2012 - present	Editorial Board, Dataset Papers in Medicine (Editorial)
2013 - present	Editorial Board, British Journal of Urology International (Editorial)
2013 - present	Editorial Board, Urologic Oncology Clinical Survey Section (Editorial)
2015 - 2019	Assistant Editor, Journal of Urology (Editorial)
2016 - present	Editorial Board, Bladder Cancer (Editorial)
INVITED PRE	SENTATIONS - INTERNATIONAL
2006	Laparoscopic Surgery in Urology Gazi University, Ankara, Visiting Professor Turkey
2008	2nd International Symposium on Renal Insufficiency Tokyo, Speaker and panel Japan member
2016	Great Wall International Translation Andrology and Urology Speaker Forum Tianjin, China
2019	AUA-AUSTEG BLUS Course Bangkok, Thailand Course faculty

INVITED PRESENTATIONS - NATIONAL

2002	Society of Urologic Oncology, NIH speaking on Open radical prostatectomy for prostate cancer	
2002	Western Section American Urological Association, Hawaii: Laparoscopy in Urology Session	Co-Moderator

2003	Western Section American Urological Association, Las Vegas: Kidney/Laparoscopy Session	Co-Moderator
2004	Western Section American Urological Association, San Diego: Postgraduate course, Urolithiasis: Medical and Surgical Management	Instructor
2004	Western Section American Urological Association, San Diego: Controversies in Urinary diversion	Panel member
2005	Western Section American Urological Association, Vancouver, BC: KidneyBladder/Urethra Session	Co-moderator
2005	American Urological Association Annual Meeting: Post- graduate course (Laparoscopic Complications) (2005- 2006)	Co-director
2006	University of California San Francisco: Current Controversies in Urologic Oncology	Course Director
2006	Western Section American Urological Association, Hawaii: Kidney/Laparoscopy Session	Co-moderator
2007	Western Section American Urological Association, Scottsdale: Prostate Session and Bladder Session	Co-Moderator
2008	American Society of Nephrology; Prostate Cancer and the Transplant Patient	Invited speaker
2008	American College of Surgeons, San Francisco	Moderator
2009	James C. Kimbrough Urological Seminar	Invited speaker
2010	Western Section American Urological Association, Hawaii: Postgraduate course, Testis and Penile Cancer	Instructor
2010	Western Section American Urological Association, Hawaii: DVD Surgi-Session	Moderator
2010	American College of Osteopathic Surgeons	Invited speaker
2010	University of California San Francisco: Innovations in Urologic Oncology: Bladder Cancer - What's New, What's Needed, What's Next	Co-director
2011	Western Section American Urological Association, Vancouver, BC: DVD Surgi-Session	Moderator
2012	GU ASCO, San Francisco: Competing Risks and Treatment Trade-Offs: Kidney Cancer in the Vulnerable Patient	Invited speaker
2012	American College of Surgeons, San Francisco	Moderator
2012	International Symposium on Uro-Oncology, Roswell Park Cancer Institute: Active Surveillance	Invited speaker

Concer	2012	Western Section American Urological Association, Hawaii: Postgraduate course, Treatment of Locally Advanced Prostate Cancer Surgery or Radiation?	Invited speaker
Post-graduate Course 2015 University of California Davis Department of Urology Visiting professor 2017 Kidney Cancer Association Annual Meeting Invited speaker 2017 American Urological Association Annual Meeting, Boston MA: Prostate Cancer session Moderator 2018 Society of Urologic Oncology, AUA Meeting Moderator 2020 GU ASCO, San Francisco, CA: Kidney Cancer Case-Based Panel INVITED PRESENTATIONS - REGIONAL AND OTHER INVITED PRESENTATIONS 2000 UCSF Postgraduate Course. Laparoscopic Urologic Surgery Specimen retrieval in laparoscopic surgery 2000 UCSF Urologic Laparoscopy Course (2000-2004) Instructor 2001 Kaiser Permanente Laparoscopy Course Instructor 2003 UCSF Postgraduate Course. Urologic Oncology: Rational approach to stage I testis cancer, Management of high-risk bladder cancer 2003 UCSF Postgraduate Course, Department of Medicine: Prostate cancer screening 2004 UCSF Postgraduate Course: Topical hemostatics in laparoscopy 2004 UCSF Primary Care: Prostate cancer screening 2004 UCSF-Fresno Grand Rounds, Department of Medicine - Evaluation of Hematuria 2005 UCSF Postgraduate Course. Urologic Oncology: Prostate cancer prevention trials Intravesical therapy for bladder cancer 2006 UCSF Postgraduate Course. Common problems in urology: Shock-wave lithotripsy vs. ureteroscopy for renal stones Surveillance for small, incidental renal masses High-risk stage I non-seminomatous germ cell tumors	2013		Invited faculty
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Shock-wave lithotripsy vs. ureteroscopy for renal stones Surveillance for small, incidental renal masses High-risk stage I non-seminomatous germ cell tumors	2005	cancer prevention trials Intravesical therapy for bladder	
2006 Northern California Genitourinary Tumor Board, Napa Panel member	2006	Shock-wave lithotripsy vs. ureteroscopy for renal stones Surveillance for small, incidental renal masses High-risk	
	2006	Northern California Genitourinary Tumor Board, Napa	Panel member

2	2006	Northern California Urological Resident Research Seminar	Moderator and organizer
2	2007	UCSF Postgraduate Course: When is laparoscopic RPLND indicated?	Director
2	2007	UCSF Grand Rounds, Department of Urology - Update in Testicular Cancer	
2	2009	UCSF Postgraduate Course:Supplements: Implications of SELECT	Moderator
2	2010	UCSF Postgraduate Course. Innovations in urologic cancer: bladder cancer; Radical cystectomy: strategies to reduce perioperative morbidity	Co-director and moderator
2	2010	Bladder Cancer Support Group: Radical cystectomy	
2	2012	UCSF Grand Rounds, Department of Urology - "Advanced" Surgery for Renal Cell Carcinoma	

GOVERNMENT AND OTHER PROFESSIONAL SERVICE

2006 - 2006	Department of Defense Prostate Cancer Research Program	Grant review committee
2009 - 2009	Department of Defense Prostate Cancer Research Program (Detection, Diagnosis, and Prognosis)	Grant review committee
2010 - 2010	Department of Defense Prostate Cancer Research Program (Exploration-Hypothesis Development Award, Pathobiology)	Scientific reviewer
2010 - 2010	Department of Defense Prostate Cancer Research Program (IDEA and Synergistic Idea Development Awards)	Scientific reviewer
2011 - 2011	Department of Defense Prostate Cancer Research Program (Detection, Diagnosis, and Prognosis)	Grant review committee
2012 - 2012	Department of Defense Prostate Cancer Research Program (Prevention, Treatment and Epidemiology)	Scientific reviewer
2013 - present	Bladder Cancer Advocacy Network Young Investigator Awards	Scientific reviewer
2013 - present	American College of Surgeons Commission on Cancer	Cancer Liaison Physician

UNIVERSITY AND PUBLIC SERVICE

SERVICE ACTIVITIES SUMMARY

I have had an increasing leadership role within the Medical Center, with an emphasis on quality of care, addressing issues relevant for the clinical faculty, and ensuring a seamless transition of Cancer Center activities to the Mission Bay campus in 2015. I am also involved in

improving the operations and efficiency in the operating room arena. In addition, I continue to run the fellowship in urologic oncology and have increased the educational activities and improved inter-disciplinary interactions. I also serve as a consultant regarding urologic and urologic oncology issues to local organizations.

UCSF CAMPUSWIDE

2006 - present	Healthcare Technology Assessment Program, UCSF	Committee member	
2008 - 2010	Clinical Affairs Committee, UCSF	Committee member	
2010 - 2011	Clinical Affairs Committee, UCSF	Vice-chair	
2011 - 2012	Clinical Affairs Committee, UCSF	Chair	
2012 - 2013	Clinical Affairs Committee, UCSF	Committee member	
2009 - 2014	Tissue Committee, UCSF	Committee member	
2009 - 2014	Contracting Committee, UCSF	Committee member	
2011 - 2013	Senate Membership Task Force, UCSF	Committee member	
2014 - present	Payer Partnerships Committee	Co-chair	
SCHOOL OF MEDICINE			
2003 - present	Genitourinary Oncology Protocol Review Committee	Committee Member	
2012 - present	Surgical Care Improvement Project	Committee Member	
DEPARTMENTAL SERVICE			
2004 - present	Elective in Urologic Oncology (140.06), UCSF	Course co-director	
2006 - 2007	Urologic Oncology Fellowship, UCSF	Assistant Director	
2007 - present	Urologic Oncology Fellowship, UCSF	Director	
2009 - present	Quality Improvement	Department champion	
2017 - 2021	Quality and Safety	Associate Chair	
2021 - present	UCSF Department of Urology	Vice-chair	

COMMUNITY AND PUBLIC SERVICE

2003 - 2019	Regional Cancer Foundation	Volunteer consultant
2004 - 2019	Glide Health Clinic/Glide Memorial Church	Volunteer physician and consultant, Organizer of yearly prostate caner screening program

PEER REVIEWED PUBLICATIONS

- 1. Roma P, Gregg RE, Bishop C, Ronan R, Zech LA, Meng MV, Glueck C, Vergani C, Giudici G, Brewer HB, Jr. Apolipoprotein A-I metabolism in subjects with a Pstl fragment length polymorphism of the apoA-I gene and familial hypercholesterolemia. Journal of Lipid Research 31:1753-1760, 1990.
- 2. Schiller MR, Mende-Mueller L, Moran K, Meng MV, Miller KW, Hook VYH. "Prohormone thiol protease" (PTP) processing of recombinant proenkephalin. Biochemistry 34:7988-7995, 1995.
- 3. Polascik TJ, Pound CR, Meng MV, Partin AW, Marshall FF. Partial nephrectomy: technique, complications and pathological findings. J Urol. 1995 Oct; 154(4):1312-8. PMID: 7658526
- 4. Polascik TJ, Meng MV, Epstein JI, Marshall FF. Intraoperative sonography for the evaluation and management of renal tumors: experience with 100 patients. J Urol. 1995 Nov; 154(5):1676-80. PMID: 7563320
- 5. Morey AF, Meng MV, McAninch JW. Skin graft reconstruction of chronic genital lymphedema. Urology. 1997 Sep; 50(3):423-6. PMID: 9301709
- Phan ST, Meng M, Weidner N. Collision tumor: a peripheral neuroepithelioma and a transitional-cell carcinoma occurring simultaneously in the renal pelvis. Ann Diagn Pathol. 1997 Dec; 1(2):91-8. PMID: 9869830
- 7. Turek PJ, Givens CR, Schriock ED, Meng MV, Pedersen RA, Conaghan J. Testis sperm extraction and intracytoplasmic sperm injection guided by prior fine-needle aspiration mapping in patients with nonobstructive azoospermia. Fertil Steril. 1999 Mar; 71(3):552-7. PMID: 10065797
- 8. Meng MV, Brandes SB, McAninch JW. Renal trauma: indications and techniques for surgical exploration. World J Urol. 1999 Apr; 17(2):71-7. PMID: 10367364
- 9. Meng MV, Werboff LH. Hematospermia as the presenting symptom of metastatic malignant melanoma of unknown primary origin. Urology. 2000 Aug 01; 56(2):330. PMID: 10925109

- 10. Meng MV, Cha I, Ljung BM, Turek PJ. Relationship between classic histological pattern and sperm findings on fine needle aspiration map in infertile men. Hum Reprod. 2000 Sep; 15(9):1973-7. PMID: 10966998
- 11. Meng MV, Carroll PR. When is pelvic lymph node dissection necessary before radical prostatectomy? A decision analysis. J Urol. 2000 Oct; 164(4):1235-40. PMID: 10992372
- 12. Meng MV, St Lezin M. Trimethoprim-sulfamethoxazole induced recurrent aseptic meningitis. J Urol. 2000 Nov; 164(5):1664-5. PMID: 11025739
- 13. Meng MV, Cha I, Ljung BM, Turek PJ. Testicular fine-needle aspiration in infertile men: correlation of cytologic pattern with biopsy histology. Am J Surg Pathol. 2001 Jan; 25(1):71-9. PMID: 11145254
- 14. Meng MV, Carroll PR. Local therapy for prostate-specific antigen recurrence after definitive treatment. Prostate Cancer Prostatic Dis. 2001; 4(1):20-27. PMID: 12497059
- 15. Meng MV, Kang SM, Duh QY, Stoller ML, Freise C. Laparoscopic live donor nephrectomy at the University of California San Francisco. Clin Transpl. 2001; 113-21. PMID: 12211773
- Meng MV, Black LD, Cha I, Ljung BM, Pera RA, Turek PJ. Impaired spermatogenesis in men with congenital absence of the vas deferens. Hum Reprod. 2001 Mar; 16(3):529-33. PMID: 11228224
- 17. Meng MV, Carroll PR. Is it necessary to do staging pelvic lymph node dissection for T1c prostate cancer? Curr Urol Rep. 2001 Jun; 2(3):237-41. PMID: 12084271
- 18. Meng MV, Grossfeld GD, Williams GH, Dilworth S, Stoeber K, Mulley TW, Weinberg V, Carroll PR, Tlsty TD. Minichromosome maintenance protein 2 expression in prostate: characterization and association with outcome after therapy for cancer. Clin Cancer Res. 2001 Sep; 7(9):2712-8. PMID: 11555583
- 19. Rabban JT, Meng MV, Yeh B, Koppie T, Ferrell L, Stoller ML. Kidney morcellation in laparoscopic nephrectomy for tumor: recommendations for specimen sampling and pathologic tumor staging. Am J Surg Pathol. 2001 Sep; 25(9):1158-66. PMID: 11688575
- 20. Meng MV, Koppie TM, Duh QY, Stoller ML. Novel method of assessing surgical margin status in laparoscopic specimens. Urology. 2001 Nov; 58(5):677-81. PMID: 11711335
- 21. Hiramoto JS, Meng MV, McAninch JW, Hirose R. Successful transplantation of a donor kidney after penetrating grade 3 injury and renorrhaphy. J Urol. 2001 Dec; 166(6):2299. PMID: 11696758
- 22. Shekarriz B, Meng MV, Lu HF, Yamada H, Duh QY, Stoller ML. Laparoscopic nephrectomy for inflammatory renal conditions. J Urol. 2001 Dec; 166(6):2091-4. PMID: 11696713
- 23. Grossfeld GD, Carroll PR, Lindeman N, Meng M, Groshen S, Feng AC, Hawes D, Cote RJ. Thrombospondin-1 expression in patients with pathologic stage T3 prostate cancer undergoing radical prostatectomy: association with p53 alterations, tumor angiogenesis, and tumor progression. Urology. 2002 Jan; 59(1):97-102. PMID: 11796289
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- 25. Downs TM, Kane CJ, Grossfeld GD, Meng MV, Carroll PR. Surgery for prostate cancer: rationale, technique and outcomes. Cancer Metastasis Rev. 2002; 21(1):29-44. PMID: 12400995

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- 27. Meng MV, Grossfeld GD, Stoller ML. Renal carcinoma after laparoscopic cyst decortication. J Urol. 2002 Mar; 167(3):1396. PMID: 11832747
- 28. Deng DY, Meng MV, Grossfeld GD, Stoller ML. Simultaneous laparoscopic management of 3 urological malignancies. J Urol. 2002 May; 167(5):2125-6. PMID: 11956456
- 29. Master VA, Meng MV, Koppie TM, Carroll PR, Grossfeld GD. Origin of urothelial carcinoma after renal transplant determined by fluorescence in situ hybridization. J Urol. 2002 Jun; 167(6):2521-2. PMID: 11992074
- 30. Meng MV, Stoller ML. Laparoscopic intracorporeal square-to-slip knot. Urology. 2002 Jun; 59(6):932-3. PMID: 12031384
- 31. Elliott SP, Meng MV, Anwar HP, Stoller ML. Complete laparoscopic ileal cystoplasty. Urology. 2002 Jun; 59(6):939-43. PMID: 12031386
- 32. Meng MV, Grossfeld GD, Carroll PR, Small EJ. Neoadjuvant strategies for prostate cancer prior to radical prostatectomy. Semin Urol Oncol. 2002 Aug; 20(3 Suppl 1):10-8. PMID: 12198633
- 33. Park S, Meng MV, Greenberg MS, Deng DY, Stoller ML. Muconephrosis. Urology. 2002 Aug; 60(2):344. PMID: 12137843
- 34. Meng MV, Yeh BM, Breiman RS, Schwartz BF, Coakley FV, Stoller ML. Precaval right renal artery: description and embryologic origin. Urology. 2002 Sep; 60(3):402-5. PMID: 12350471
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- 39. Katz D, Koppie TM, Wu D, Meng MV, Grossfeld GD, Sadesky N, Lubeck DP, Carroll PR. Sociodemographic characteristics and health related quality of life in men attending prostate cancer support groups. J Urol. 2002 Nov; 168(5):2092-6. PMID: 12394716
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- 41. Rahman NU, Meng MV, Stoller ML. Infections and urinary stone disease. Curr Pharm Des. 2003; 9(12):975-81. PMID: 12678863

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- 46. Meng MV, Koppie TM, Stoller ML. Pathologic sampling of laparoscopically morcellated kidneys: a mathematical model. J Endourol. 2003 May; 17(4):229-33. PMID: 12816586
- 47. Yun EJ, Meng MV, Brennan TV, McAninch JW, Santucci RA, Rogers SJ. Novel microlaparoscopic technique for peritoneal dialysis catheter placement. Urology. 2003 May; 61(5):1026-8. PMID: 12736031
- 48. Purohit RS, Shinohara K, Meng MV, Carroll PR. Imaging clinically localized prostate cancer. Urol Clin North Am. 2003 May; 30(2):279-93. PMID: 12735504
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- 50. Abrahams HM, Rahman NU, Meng MV, Stoller ML. Pure laparoscopic ileovesicostomy. J Urol. 2003 Aug; 170(2 Pt 1):517-8. PMID: 12853813
- 51. Meng MV, Franks JH, Presti JC, Shinohara K. The utility of apical anterior horn biopsies in prostate cancer detection. Urol Oncol. 2003 Sep-Oct; 21(5):361-5. PMID: 14670545
- 52. Abrahams HM, Meng MV, Stoller ML. Simplified pure laparoscopic bowel anastomosis. Urology. 2003 Sep; 62(3):547-9. PMID: 12946767
- 53. Gulati M, Meng MV, Freise CE, Stoller ML. Laparoscopic radical nephrectomy for suspected renal cell carcinoma in dialysis-dependent patients. Urology. 2003 Sep; 62(3):430-6. PMID: 12946741
- 54. Meng MV, Stoller ML. Hellström technique revisited: laparoscopic management of ureteropelvic junction obstruction. Urology. 2003 Sep; 62(3):404-8; discussion 408-9. PMID: 12946732
- 55. Harlan SR, Cooperberg MR, Elkin E, Lubeck DP, Meng M, Mehta SS, Carroll PR. Time trends and characteristics of men choosing watchful waiting for initial treatment of localized prostate cancer: results from CaPSURE. J Urol. 2003 Nov; 170(5):1804-7. PMID: 14532780
- 56. Chung HJ, Meng MV, Abrahams HM, Stoller ML. Upper quadrant access for urologic laparoscopy. Urology. 2003 Dec; 62(6):1117-9. PMID: 14665367
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- 60. Abrahams HM, Meng MV, Freise CE, Stoller ML. Laparoscopic donor nephrectomy for pediatric recipients: outcomes analysis. Urology. 2004 Jan; 63(1):163-6. PMID: 14751374
- 61. Fraser ET, Coakley FV, Meng MV, Yeh BM, Joe BN, Qayyum A. Computed tomography and magnetic resonance imaging of inferior vena caval thrombus associated with metastasis to the kidney. J Comput Assist Tomogr. 2004 Jan-Feb; 28(1):131-3. PMID: 14716246
- 62. Yeh BM, Coakley FV, Meng MV, Breiman RS, Stoller ML. Precaval right renal arteries: prevalence and morphologic associations at spiral CT. Radiology. 2004 Feb; 230(2):429-33. PMID: 14752187
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Appendix B

Materials Considered

Case Documents

Pleadings

- Complaint, Surgical Instrument Service Co., Inc. v. Intuitive Surgical, Inc., No. 3:21-cv-03496-VC (ECF 1) (May 10, 2021)
- Consolidated Amended Class Action Complaint, *In re: da Vinci Surgical Robot Antitrust Litigation*, Lead Case No. 3:21-cv-03825-VC (ECF 52) (Sept. 9, 2021)

Expert Reports

- In re: da Vinci Surgical Robot Antitrust Litigation, Lead Case No. 3:21-cv-03825-VC
 - o Expert Report of Dr. Eugene Rubach (Dec. 1, 2022)
- Surgical Instrument Service Co., Inc. v. Intuitive Surgical, Inc., No. 3:21-cv-03496-VC
 - o Expert Report of Dr. Amandeep Mahal (Dec. 1, 2022)
- Restore Robotics LLC v. Intuitive Surgical, Inc., Case No. 5:19-cv-55-TKW-MJF
 - o Expert Report of Dr. John Bomalaski (Aug. 20, 2021)
- Rebotix Repair, LLC v. Intuitive Surgical, Inc., Case No. 8:20-CV-02274
 - o Expert Report of Dr. John Bomalaski (July 26, 2021)

Produced Documents

Intuitive-00725731-748